

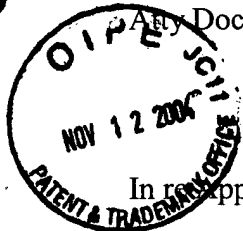


<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)		Application No.	10/698,668
		Filing Date	October 31, 2003
		First Named Inventor	Robert Ledingham
		Art Unit	2131
		Examiner Name	
Total Number of Pages in This Submission	7	Attorney Docket Number	6486P003

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form  <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment / Response  <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> PTO/SB/08  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Response to Missing Parts/Incomplete Application  <input type="checkbox"/> Basic Filing Fee <input type="checkbox"/> Declaration/POA  <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition  <input type="checkbox"/> Petition to Convert a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <div style="border: 1px solid black; padding: 5px; margin-top: 5px;">Request for Reconsideration of Petition 1.47(a) (2 pp.); Statement of Facts in Support of Petition--Keith Penny (3 pp.)</div>
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Jeffery Scott Heilesen, Reg. No. 46,765 BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Signature	
Date	11/9/04

CERTIFICATE OF MAILING/TRANSMISSION			
I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.			
Typed or printed name	Cathy Bachmann		
Signature		Date	11-9-04



JPW  
DAC

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Ledingham et al.

Serial No.: 10/698,668

Filed: October 31, 2003

For: DATABASE ARCHITECTURE FOR AN  
AIR TRAFFIC INFORMATION SYSTEM

Examiner: Unassigned

Art Unit: 2131

Confirmation No.: 1021

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 CFR 1.47(A)**

Dear Sir:

Applicant filed a petition under 37 CFR 1.47(a) on September 7, 2004, which was DISMISSED by the Office of Petitions in a notice mailed October 6, 2004. Applicant respectfully submits the present request for reconsideration.

Specifically, the Office of Petitions stated that the petition lacked proof that inventors Zak and Zanin were ever provided copies of the Application Papers. In response to the Dismissal, Applicant requests reconsideration, and submits herewith a Statement of Facts by co-inventor Keith Penny. As outlined in the Statement of Facts, Mr. Penny has first-hand knowledge that Mr. Zak and Mr. Zanin were faxed copies of the Application Papers (Specification, including claims, drawings, and declaration), and that the papers were faxed to a believed-to-be correct fax number. Furthermore, Mr. Penny's Statement of Facts establishes that both Mr. Zak and Mr. Zanin orally confirmed to Mr. Penny the receipt of the Application Papers. (Statement of Facts-Penny, Paragraph 3).

On October 31, 2003, Applicant filed a patent application, which required an executed declaration by all the inventors. As supported in the submitted Statements of Facts by co-inventor Keith Penny and Michael Boehm (previously submitted), co-inventors Mr. Zak and Mr. Zanin refused to sign the declaration after having been presented with the Application papers (Specification, claims and drawings).

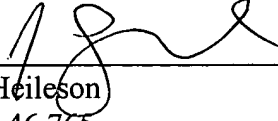
Reconsideration of the petition filed on September 7, 2004 is requested.

If there is a deficiency in fees, please charge our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP

Dated: 11/9, 2004

  
\_\_\_\_\_  
J. Scott Heilesen  
Reg. No. 46,765

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Seventh Floor  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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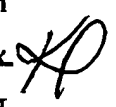
Commissioner for Patents  
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Alexandria, VA 22313-1450

**STATEMENT OF FACTS IN SUPPORT OF PETITION  
FOR FILING UNDER 37 C.F.R. §1.47(a) – KEITH PENNY**

Dear Sir:

I, Keith Penny, having personal knowledge of the facts set forth herein, hereby declare and say to the best of my knowledge and belief, after diligent inquiry, and without personal liability, except as disclosed herein, as follows:

1. I am a co-inventor of the present application and an employee of NAV CANADA, assignee of the present application.
2. On March 23, 2004, I was contacted via email by Chris Tanguay, an assistant with NAV CANADA's legal department, requesting me to meet with Mr. Tanguay in order to review the Application Papers (Specification, Claims and Drawings) of the present application and to sign: (i) the Declaration and (ii) the Assignment (the "Documentation") for the present application.
3. On or about April 1, 2004, Mr. Tanguay met in person with me to secure my signature and to obtain my assistance in forwarding the Application Papers and the Documentation to co-inventors Roman Zak and Jeff Zanin. Mr. Tanguay provided me with copies of the Application Papers (Specification, Claims and Drawings) and Documentation. I assured Mr. Tanguay that I would forward the Application Papers and Documentation to co-inventors Mr. Zak and Mr. Zanin for their review

and signature as required. Shortly after that time, I forwarded the Application Papers (Specification, Claims and Drawings) and Documentation by fax to each of Mr. Zak and Mr. Zanin. I faxed the Application Papers and Documentation to what I believe to be the correct fax number where each of Mr. Zak and Mr. Zanin customarily receive fax transmissions, ~~and I received confirmation from the fax machine that each transmission was completed successfully.~~  Subsequently, I spoke with each of Mr. Zak and Mr. Zanin, during which each of them confirmed receipt of the Application Papers (Specification, Claims and Drawings) and Documentation.

4. On or about April 19, 2004, Mr. Tanguay met with me, at which time I instructed him that I spoke with Mr. Zak and Mr. Zanin regarding the Application Papers and Documentation, and that I was awaiting receipt of the signed Documentation.
5. On or about May 3, 2004, Mr. Tanguay followed up with me with regards to whether the signed copies of the Documentation had been received. I had no further progress to provide Mr. Tanguay at that time.
6. On June 29, 2004 at 13:44PM, I transmitted an email from myself to Kelly Ann Hicks, Legal Counsel with NAV CANADA, stating that I and co-inventor Robert Ledingham, <sup>had</sup> ~~have~~ both signed the Documentation as required. I also stated in the email that it would be more effective if Legal contacted both Mr. Zak and Mr. Zanin directly to secure the return of the signed documents since I had no incentives of either a positive or negative nature to offer. A reproduction of this email is attached herewith as Exhibit A.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on the information and belief are believed to be true; and further that all these statements were made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: Nov 8, 2004

  
\_\_\_\_\_  
Keith Penny

**EXHIBIT A**

-----Original Message-----

From: Penny, Keith  
Sent: Tuesday, June 29, 2004 1:44 PM  
To: Hicks, Kelly Ann  
Subject: RE: Inventors signatures US applications

Hi Kelly Ann,

I have signed everything that was required and I believe Mr. Ledingham has as well.

It would be more effective if you could contact both Mr. Zak and Mr. Zanin directly to secure the return of the signed documents since I have no incentives of either a positive or negative nature to offer.

Keith